

S.J. Amoroso Construction Co., LLC.
390 Bridge Parkway
Redwood Shores, CA 94065

T (650) 654-1900
F (650) 654-9002

Contractor License #331024

AMOROSO
construction

Via email to: FS6FTC@hayward-ca.gov and Dave.Hung@hayward-ca.gov.

June 15, 2020

City of Hayward
777 B Street
Hayward, CA 94541
Attn: Dave Hung

Re: Inadvertent Clerical Error in Subcontractor Listing

Dear Mr. Hung:

This letter is written notice pursuant to the City's bidding documents and Public Contract Code Section 4107.5 with regard an inadvertent clerical error in the listing of subcontractors. We are requesting relief with regard to the following clerical error.

1. DaSilva Concrete Construction was inadvertently listed for Earthwork; in fact, its bid was for Earthwork & Underground Utilities.
2. IBS USA, Inc. was listed for Underground Utilities but in fact was to be listed for Steel.

The clerical error in question arose from a last minute change in the bids received from the subcontractors listed above. Based on prior input from subcontractors, we originally had expected to receive separate bids for Earthwork and Underground Utilities. Like most general contractors, we prepared as much of the bid proposal as possible in advance to minimize the number of entries that the bid runner would have to make (this also reduces the possibilities for mistakes). Right before our bid was due, however, DaSilva Concrete submitted a bid for both the Earthwork and Underground Utilities. We contacted the bid runner to have her make this modification to the sublist and to list IBS USA, Inc on the form for Steel. During this last minute adjustment, she accidentally added IBS USA, Inc next to the Underground Utilities description instead of adding Utilities to the Earthwork description of work. This unfortunate clerical error resulted in IBS USA, Inc. being listed for Underground Utilities instead of Steel, which is IBS's specialty trade.



We respectfully request that this clerical error be corrected so the DaSilva Concrete Construction and IBS USA, Inc. can perform the work scope that they bid and upon which our price for the Project was based. Thank you for your consideration of this matter. Please feel free to contact me if you need further information. A copy of this letter has been sent to DaSilva Concrete Construction and IBS USA, Inc.

Sincerely,

S.J. AMOROSO CONSTRUCTION CO., LLC



Jim Benson
Chief Estimator

Enclosure

cc: DaSilva Concrete Construction
IBS USA, Inc.

**DECLARATION IN SUPPORT OF S.J. AMOROSO CONSTRUCTION CO., INC.'S
REQUEST FOR CORRECTION OF INADVERTENT CLERICAL ERROR**

I, Jim Benson, declare:

1. I am the Chief Estimator for S.J. Amoroso Construction Co., Inc. ("S.J. Amoroso"). I was involved in the preparation of the bid proposal for the Hayward Fire Station #6 & Fire Training Center (the "Project").

2. I make this declaration of my own knowledge. If called to do so, I could and would testify competently as to the matters set forth herein.

3. S.J. Amoroso is requesting relief with regard to the following clerical error.

a. DaSilva Concrete Construction was inadvertently listed for Earthwork; in fact, its bid was for Earthwork & Underground Utilities.

b. IBS USA, Inc. was listed for Underground Utilities but in fact was to be listed for Steel.

4. I am providing this declaration to explain how the inadvertent clerical error occurred.

5. The error arose from a last minute change in the bids received from the two subcontractors noted above.

6. Based on prior input from subcontractors, we originally had expected to receive separate bids for Earthwork and Underground Utilities. Like most general contractors, we prepared as much of the bid proposal as possible in advance to minimize the number of entries that the bid runner would have to make (this also reduces the possibilities for mistakes).

7. Right before our bid was due, however, DaSilva Concrete submitted a bid for both the Earthwork and Underground Utilities. We contacted the bid runner to have her make this modification to the sublist and to list IBS USA, Inc on the form for Steel. During this last minute adjustment, she accidentally added IBS USA, Inc next to the Underground Utilities description instead of adding Utilities to the Earthwork description of work. This unfortunate clerical error resulted in IBS USA, Inc. being listed for Underground Utilities instead of Steel, which is IBS's specialty trade.

8. We respectfully request that this clerical error be corrected so the DaSilva Concrete Construction and IBS USA, Inc. can perform the work scope that they bid and upon which our proposal was based.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: June 15, 2020


Jim Benson



IBS USA Inc.

418 Ramsell Street, San Francisco, CA 94132
Tel: 415-587-8729 Fax: 415-587-8732

Signatory to Local Union #377 & #378
CA License No. 825156
CA DIR Registration #1000010599

Date: 06/16/2020

Dave Hung
City of Hayward
Department of Public Works
777 B Street
Hayward, CA 94541

RE: DECLARATION FROM IBS USA INC. IN SUPPORT OF S.J. AMOROSO CONSTRUCTION'S REQUEST FOR CORRECTION OF INADVERTENT CLERICAL ERROR

Dear Mr. Hung

I, Sunny Au, declare:

1. I am the Project Manager/Estimator for IBS USA, Inc. I was involved in the preparation of the bid proposal for the Hayward Fire Station #6 & Fire Training Center.
2. I make this declaration of my own knowledge. If called to do so, I could and would testify competently as to the matters set forth herein.
3. IBS USA Inc is a structural steel/metal fabrication specialty subcontractor. We were incorporated in 2001. We have not and do not bid earthwork or underground utilities.
4. IBS USA Inc finalized our scope of work and pricing shortly before bid closing and sent our proposal to Amoroso via fax. Additionally, I received a call from Amoroso, minutes before closing, to discuss my scope of work and final pricing. I was told that I would be listed for this scope of work.
5. IBS USA Inc fully supports Amoroso's request for relief of the inadvertent clerical error.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Sincerely,



Sunny Au
Project Manager/Estimator
IBS USA, Inc.

cc : Jim Benson, Chief Estimator for S.J. Amoroso Construction Co., LLC.



P.O. Box 5177
Santa Clara, CA 95056
License # 1059164
DIR# PW-LR-1000576084

Date: June 16, 2020

To: City of Hayward
Address: 777 B Street
Hayward, CA 94541

Attention: Dave Hung
Dave.Hung@hayward-ca.gov

RE: Declaration from DaSilva Concrete in Support of SJ Amoroso Constrictions' Request for Correction of Inadvertent Clerical Error

Dear Mr. Hung,

I, Spencer Harris, Director of Preconstruction for DaSilva Concrete, and the Estimator in Charge of the Hayward Fire Station #6 bid, do declare:

1. DaSilva Concrete is a General Engineering Contractor. We traditionally perform earthwork, underground utilities & site concrete.
2. On bid day, we submitted two separate prices. One for Site Concrete, and the second for, Earthwork and Underground Utilities.
3. We were informed that Amoroso intended to list us for the Earthwork and Utility scope only, and not for the Site Concrete scope.
4. Regarding Amoroso's letter articulating the clerical error on bid day, we agree. We are of the understanding that we were listed for Earthwork and Utilities.
5. As evidence of our scope of work, please see attached proposal which was revised and emailed to Amoroso at 1:53 pm on Thursday, June 11th.

Sincerely,

Spencer M. Harris

Spencer M. Harris

Director of Preconstruction
DaSilva Concrete
(831) 818-9023
Spencer@DaSilvaConcrete.com



P.O. Box 5177
Santa Clara, CA 95056
License # 1059164
DIR# PW-LR-1000576084

Date: June 29, 2020 – Revision 1

To: City of Hayward
Address: 777 B Street
Hayward, CA 94541

Attention: Dave Hung
Dave.Hung@hayward-ca.gov

RE: Declaration from DaSilva Concrete in Support of SJ Amoroso Constructions' Request for Correction of Inadvertent Clerical Error

Dear Mr. Hung,

I, Spencer Harris, Director of Preconstruction for DaSilva Concrete, and the Estimator in Charge of the Hayward Fire Station #6 bid, do declare:

1. DaSilva Concrete is a General Engineering Contractor. We traditionally perform earthwork, underground utilities & site concrete.
2. On bid day, we submitted two separate prices. One for Site Concrete, and the second for, Earthwork and Underground Utilities.
3. We were informed that Amoroso intended to list us for the Earthwork and Utility scope only, and not for the Site Concrete scope.
4. Regarding Amoroso's letter articulating the clerical error on bid day, we agree. We are of the understanding that we were listed for Earthwork and Utilities.
5. As evidence of our scope of work, please see attached proposal which was revised and emailed to Amoroso at 1:53 pm on Thursday, June 11th.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

Sincerely,

Spencer M. Harris

Spencer M. Harris

Director of Preconstruction
DaSilva Concrete
(831) 818-9023
Spencer@DaSilvaConcrete.com